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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,219	11/12/2003	Yasuyuki Kitada	826.1902	4108

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EXAMINER

DURNFORD GESZVAIN, DILLON

ART UNIT	PAPER NUMBER
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2622

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11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/705,219	Applicant(s) KITADA, YASUYUKI	
	Examiner Dillon Durnford-Geszvain	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims **1-15** are pending and claims **12-15** have been added.

Response to Arguments

2. Applicant's arguments filed 5/31/2007 have been fully considered but they are not persuasive. The Applicant argues that the cited prior art fails to show selecting at least either of either of said first and second image capture units.

The Examiner disagrees. The limitation of at least either of first and second image capture units is read as capturing images with any of following alternatives: the first image capture unit, the second image capture unit or both image capture units. Haermae clearly teaches capturing images with both a first and second image capture unit.

The Applicant further argues that the Examiner contended that the radio transmitter/receiver of Harmae was the image capture selecting unit. However, the Examiner intended to cite the control block 20 of Fig. 4 (which is supposed to be labeled as 25) and not the radio transmitter/receiver 20 of Fig. 4, the Examiner apologizes for any confusion as to the parts being cited.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/31893 (Haermae, cited in IDS submitted 4/12/2004) in view of US 2002/0186315 (Yoshida et al.).

As to claim 1, Haermae teaches an electronic appliance comprising: a first image capture unit 4 shooting an image; a second image capture unit 7, which is arranged on a side different from said first image capture unit, shooting an image (see Fig. 2); an image capture selecting unit 25 (the control block of Fig. 4, mislabeled as 20) selecting at least either of said first image capture unit and said second image capture unit (page 2 lines 1-5 and page 5 lines 31-35); and a shooting controlling unit 25 taking a shot by using at least either said first image capture unit and said second image capture unit, which is selected by said image capture selecting unit (page 2 lines 1-5). What Haermae does not teach is using illuminating devices for shooting targets in front of either camera.

However, Yoshida et al. teaches a camera with a movable photographing unit 2 where the flash 52 and lens 4 move together because it is disadvantageous to have a flash pointing in a direction that is not the same as the direction of the lens ([0011]). However, as one of the stated objectives of the invention of Haermae is to eliminate moving parts it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a light for illuminating a target for each of the image capture units as this would allow for images to be captured even when there is not enough ambient light to capture an image.

As to claim 2, see the rejection of claim 1 and note that the invention of Haermae in view

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of Yoshida et al. would teach lighting the illuminating device prior to image capture if a video and/or preview image is to be taken as a flash of light would be inappropriate for this purpose and the invention of Haermae is directed toward video conferencing so it would have been obvious to provide light during a video conference if there is not enough ambient light to make the user visible to a person with whom the user is having a video conference with.

As to claim 3, see the rejection of claim 1 and note that the invention of Haermae in view of Yoshida et al. would teach lighting the illuminating device in synchronization with shooting made with the image capture units as this would be ideal for still photography as is well known in the art.

As to claim 4, see the rejection of claim 1 and note that Haermae teaches capturing images simultaneously with both cameras (page 2 lines 12-16), however it is clear that Haermae does not intend to limit the invention to capturing only images simultaneously as it is intended to capture still images or video (page 3 lines 33-34) and it has a display 3 that can be used as a viewfinder for the cameras (page 2 lines 12-16).

As to claim 5, see the rejection of claim 1 and note that the invention of Haermae in view of Yoshida et al. would teach lighting the light that corresponds only to the camera(s) that is/are in use as it would waste power to light both lights if only one image capture unit is being used and similarly it would not make sense to light only one light if both of the image capture units were capturing images.

As to claim 6, see the rejection of claim 1 and note that as discussed in the rejections of claims 3 and 4 it would have been obvious to one of ordinary skill in the art at the time the invention was made to turn on the light before image capture for a video capture mode and synchronously for a still capture mode.

As to claim 7, see the rejection of claim 1 and note that Haermae teaches a display unit 3 displaying an image from said first image capture unit 4 and/or said second image capture unit 7, which is selected by said image capture selecting unit 25 (page 2 lines 12-16).

As to claim 8, see the rejection of claim 7 and note that Haermae teaches that said first image capture unit 4 is provided on a same side as said display unit 3 (see Fig. 1a), and the invention of Haermae in view of Yoshida et al. would have taught that the light level of said first light is lower than a light level of a second light as the first imager with which the first light coincides with is adapted to taking pictures at a close distance (page 2 lines 31-35) and the second camera takes images at further distances (page 2 lines 31-35) and less light would be needed to see images at a close distance clearly.

As to claim 9, see the rejection of claim 1 and note that the electronic appliance is a cellular phone (see fig. 1a).

Claim 10 corresponds to claim 1 but uses means for language and therefore is rejected on

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the same grounds as claim 1 but using means for language.

Claim 11 is a method that corresponds to the apparatus of claim 1 and therefore is rejected on the same grounds as claim 1 but drawn to a method.

As to claim 12, Haermae teaches an electronic appliance, comprising:

a first camera 4 (see Fig. 1) capable of shooting an image, and having a first focal length f_1 or view angle α_1 (see Fig. 1 and page 4 lines 33-36);

a second camera 7 capable of shooting an image, arranged on a side of the electronic appliance different from the first camera (see Fig. 1), and having a second focal length f_2 or viewing angle α_2 (see Fig. 1);

a selecting unit 25 (see Fig. 4 and note that control block 25 is mislabeled as 20) selects, at least either of the first camera and the second camera (see response to arguments above); and

a shooting controlling unit 25 controls the selected cameras to shoot the image of the shooting target (see page 5 lines 31-35).

What Haermae does not explicitly teach is a first and second light and an input unit capable of accepting input by a user. However, Yoshida et al. teaches a camera with a movable photographing unit 2 where the flash 52 and lens 4 move together because it is disadvantageous to have a flash pointing in a direction that is not the same as the direction of the lens ([0011]). However, as one of the stated objectives of the invention of Haermae is to eliminate moving parts it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a light for illuminating a target for each of the image capture units as this would

allow for images to be captured even when there is not enough ambient light to capture an image.

Furthermore the Examiner takes Official Notice that it was old and well known at the time the invention was made to include an input unit for accepting input from a user to a mobile terminal for videoconferencing or the like and to have used this input to select when or how to capture images. Additionally, Haermae lists a number of possibilities for displaying images captured by one or both of the cameras (Page 2 lines 12-23, for example) and therefore it would have been a great advantage to have allowed a user through an input device to have selected which of the various options they wished to employ. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed a user to select at least one camera and light (flash) as this would enable the various display options illustrated by Haermae and would allow images to be captured even when there is not enough ambient light when combined with Yoshida et al. as is done above.

As to claim **13**, see the rejection of claim **12** and note that although none of the cited references teach the limitation of the lighting intensity of the first and second light being different from each other. The Examiner takes Official Notice that it was old and well known at the time the invention was made to have altered the lighting intensity of a flash depending on how far a subject is from the camera. As the cameras of Haermae are intended for shooting subjects at different focal lengths it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the lighting intensities of the first and second lights different from each other as this would etter provide the appropriate amount of flash for each camera.

As to claim 14, see the rejection of claim 12 and note that the Examiner takes Official Notice that it was old and well known at the time the invention was made to have allowed a user to manually turn a flash on or off according to a user input from a user input device. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed a user to turn the flash(es) of Haermea in view of Yoshida et al. on and off as this would allow a user to conserve battery power if they deemed there was enough ambient light to take properly exposed images.

Claim 15 corresponds at least to claim 14 and therefore is rejected on the same grounds as claim 14.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dillon Durnford-Geszvain

10/24/2007

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized, flowing script.

LIN YE
SUPERVISORY PATENT EXAMINER